

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

**TRUSTEES OF MICHIGAN REGIONAL COUNCIL OF
CARPENTERS' EMPLOYEE BENEFIT FUND, et al.,**

Plaintiffs,

Case No. 04-74711

v.

HONORABLE DENISE PAGE HOOD

ABC FLOORCOVERING, et al.,

Defendants.

_____ /

ORDER ACCEPTING REPORT AND RECOMMENDATION

This matter is before the Court on Magistrate Judge Wallace Capel, Jr.'s Report and Recommendation dated June 29, 2006. To date, none of the parties have filed objections to the Magistrate Judge's Report and Recommendation.

The Magistrate Judge recommended that the Court hold Defendant Thomas Luna in civil contempt of court pursuant to Federal Rule of Civil Procedure 45(e). Additionally, the Magistrate Judge recommended that Defendant Luna be given fourteen days in which to purge himself of contempt by appearing for a creditor's examination, and if Defendant fails to do so, the Court should issue an arrest warrant for Defendant Luna. After careful review and consideration, the Court finds that the Magistrate Judge reached the correct conclusion for the proper reasons.

Accordingly,

IT IS ORDERED that the Report and Recommendation of Magistrate Judge Wallace Capel, Jr. [**Docket No. 23, filed June 29, 2006**] is ACCEPTED and ADOPTED as this Court's findings and conclusions of law.

IT IS FURTHER ORDERED that if Defendant Luna wishes to purge himself of contempt of court, Defendant must contact Plaintiffs' counsel by May 29, 2007, and arrange for, and take a creditor's examination. Defendant's failure to contact Plaintiffs' counsel will result in sanctions, including, the issuance of an arrest warrant.

IT IS FURTHER ORDERED that if Defendant fails to appear for a creditor's examination, or contact Plaintiffs' counsel by May 29, 2007, Plaintiffs' counsel must file an Affidavit with this Court indicating such, as well as submit a Proposed Arrest Warrant for Defendant.

/s/ Denise Page Hood
DENISE PAGE HOOD
United States District Judge

DATED: May 8, 2007

I hereby certify that a copy of the foregoing document was served upon counsel of record on May 8, 2007, by electronic and/or ordinary mail.

S/William F. Lewis
Case Manager

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